

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 375

AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-13.6-4-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) The definitions in IC 5-16-13 apply to this section.**

(b) For purposes of IC 5-16-13-10(c) and this section, the following apply:

(1) A contractor must be qualified under this chapter before doing any work on a public works project that is a public work:

(A) as defined by IC 4-13.6-1-13; or

(B) as defined by IC 36-1-12-2, excluding the construction, alteration, or repair of a highway, street, or alley.

(2) A supplier (as defined by IC 4-13.6-1-20) is not required to be qualified under this chapter before doing any work on a public works project.

(c) Notwithstanding the applicability date specified in IC 5-16-13-10(c) and subject to subsection (d), the requirement that a contractor must be qualified under this chapter before doing any work on a public works project applies to a public works contract awarded after December 31, 2016.

(d) This subsection applies to a public works project awarded



after December 31, 2016, by a local unit. A contractor in any contractor tier is not required to be qualified under this chapter before doing any work on a public works project awarded by a local unit whenever:

- (1) the total amount of the contract awarded to the contractor for work on the public works project is less than three hundred thousand dollars (\$300,000); and
- (2) the local unit complies with IC 36-1-12 in awarding the contract for the public works project.

SECTION 2. IC 4-13.6-4-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. The board shall make available for public inspection during regular office hours and on the Internet a list of the contractors holding a valid certificate of qualification issued by the board under this chapter.

SECTION 3. IC 8-23-10-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. (a) The definitions in IC 5-16-13 apply to this section.

(b) For purposes of IC 5-16-13-10(c) and this section, a contractor must be qualified under this chapter before doing any work on a public works project that is the construction, improvement, alteration, repair, or maintenance of a road (as defined by IC 8-23-1-23), highway, street, or alley.

(c) Notwithstanding the applicability date specified in IC 5-16-13-10(c) and subject to subsection (d), the requirement that a contractor must be qualified under this chapter before doing any work on a public works project applies to a public works contract awarded after December 31, 2016.

(d) This subsection applies to a public works project awarded after December 31, 2016, by a local unit. A contractor in any contractor tier is not required to be qualified under this chapter before doing any work on a public works project awarded by a local unit whenever:

- (1) the total amount of the contract awarded to the contractor for work on the public works project is less than three hundred thousand dollars (\$300,000); and
- (2) the local unit complies with IC 36-1-12 in awarding the contract for the public works project.

SECTION 4. IC 8-23-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. It is unlawful to award a contract to any person other than a bidder previously qualified



in compliance with this chapter, **except for the award of a contract for a public works project by a local unit whenever section 0.5(d) of this chapter applies.**

SECTION 5. IC 8-23-10-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 2.5. The department shall make available for public inspection during regular office hours and on the Internet a list of the contractors holding a valid certificate of qualification issued by the department under this chapter.**

SECTION 6. IC 22-2-2-10.5, AS ADDED BY P.L.211-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10.5. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.

(b) Unless federal or state law provides otherwise, a unit may not:

- (1) establish;
- (2) mandate; or
- (3) otherwise require;

a minimum wage that exceeds the minimum wage required by section 4 of this chapter or by the federal minimum hourly wage prescribed by 29 U.S.C. 206(a)(1).

(c) **Except as provided in IC 5-16-7.2**, this section does not limit the authority of a unit to establish wage rates in a contract to which the unit is a party.

SECTION 7. **An emergency is declared for this act.**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 375 — Concur

